



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-026

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. On page 5, the “Effect on small business” section of the rule summary states that the rule will be reviewed to determine whether there will be a significant economic impact on a substantial number of small businesses. However, if the rule will have an effect on small business, that should be stated in this section and the phrase “and affecting small business” should be included in the relating clause. [See s. 1.02 (1) and (2) (a) 10., Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. The plain language analysis states that SECTION 4 of the rule makes deletions “to the definitions section of s. HAS 6.02, relating to the licensure of speech-language pathologists, audiologists, and temporary licenses.” Since the repealed definitions do not directly relate to licensure, it appears that “the licensure of” should be deleted from this part of the analysis.

b. In s. HAS 6.18 (3) (c), the “and” between “instrumentation” and “without proper measurement” should be replaced with “or” to correspond with s. 459.34 (2) (cs), Stats.

c. In the second sentence of the plain language analysis for SECTION 15, it appears that “defined in sub. (b)” is referring to a different subsection [s. HAS 6.18 (1)], and so should be changed to “defined in s. HAS 6.18 (1) (b).”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. On page 3, the last sentence of the plain language analysis for SECTIONS 9 to 11 states: “A 100-day grace period from the date the individual failed to take the examination is allowed unless board inaction or hardship is shown.” This sentence is confusing, since it implies that the 100-day grace period would not be allowed if board inaction or hardship were shown, when in fact the automatic expiration of the temporary license on the 100th day following the exam date would not occur if board inaction or hardship were shown.

b. On page 3, the last sentence of the plain language analysis for SECTION 14 states: “Only one basis for discipline is moved between the states.” The meaning of this sentence should be clarified.